

Senate File 2342 - Enrolled

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SENATE FILE 2342

AN ACT

RELATING TO THE APPOINTMENT OF DISTRICT ASSOCIATE JUDGES AND
MAGISTRATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 602.6301, Code 2005, is amended to read
as follows:

602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
JUDGES.

There shall be one district associate judge in counties
having a population of more than thirty-five thousand and less
than eighty thousand; two in counties having a population of
eighty thousand or more and less than one hundred twenty-five
thousand; three in counties having a population of one hundred
twenty-five thousand or more and less than ~~two~~ one hundred
seventy thousand; four in counties having a population of ~~two~~
one hundred seventy thousand or more and less than two hundred
~~thirty-five~~ fifteen thousand; five in counties having a
population of two hundred ~~thirty-five~~ fifteen thousand or more
and less than two hundred ~~seventy~~ sixty thousand; six in
counties having a population of two hundred ~~seventy~~ sixty
thousand or more and less than three hundred five thousand;
and seven in counties having a population of three hundred
five thousand or more and less than three hundred fifty
thousand; eight in counties having a population of three
hundred fifty thousand or more and less than three hundred
ninety-five thousand; nine in counties having a population of
three hundred ninety-five thousand or more and less than four
hundred forty thousand; ten in counties having a population of
four hundred forty thousand or more and less than four hundred
eighty-five thousand; and one additional judge for every
population increment of thirty-five thousand which is over

four hundred eighty-five thousand in such counties. However,
a county shall not lose a district associate judgeship solely
because of a reduction in the county's population. If the
formula provided in this section results in the allocation of
an additional district associate judgeship to a county,
implementation of the allocation shall be subject to prior
approval of the supreme court and availability of funds to the
judicial branch. A district associate judge appointed
pursuant to section 602.6302 or 602.6307 shall not be counted
for purposes of this section and the reduction of a district
associate judge pursuant to section 602.6303 also shall not be
counted for purposes of this section.

Sec. 2. NEW SECTION. 602.6303 APPOINTMENT OF MAGISTRATES
IN LIEU OF DISTRICT ASSOCIATE JUDGE.

1. The chief judge of the judicial district may designate
by order of substitution that three magistrates be appointed
pursuant to this section in lieu of the appointment of a
district associate judge under section 602.6304, subject to
the following limitations:

a. The substitution shall not result in the judicial
district receiving more magistrates than are authorized under
the magistrate formula in section 602.6401.

b. The substitution shall be approved by the supreme
court.

c. A majority of district judges in that judicial election
district, or in the case of an appointment involving more than
one judicial election district in the same judicial district,
a majority of the district judges in each judicial election
district, must vote in favor of the substitution and find that
the substitution will provide more timely and efficient
performance of judicial business within that judicial election
district.

2. An order of substitution shall not take effect unless a
copy of the order is received by the chairperson of the county
magistrate appointing commission or commissions no later than
May 31 of the year in which the substitution is to take
effect. The order shall designate the county of appointment
for each magistrate. A copy of the order shall also be sent

3 4 to the state court administrator.

3 5 3. For a county in which a substitution order is in
3 6 effect, the number of district associate judges actually
3 7 appointed pursuant to section 602.6304 shall be reduced by one
3 8 for each substitution order in effect.

3 9 4. Except as provided in subsections 1 through 3, a
3 10 substitution shall not increase or decrease the number of
3 11 district associate judges authorized by this article.

3 12 5. If a majority of the district judges in a judicial
3 13 election district determine that a substitution is no longer
3 14 desirable, then all three magistrate positions shall be
3 15 terminated. However, a reversion pursuant to this subsection
3 16 shall not take effect until the terms of the three magistrates
3 17 expire. Upon the termination of the magistrate positions
3 18 created under this section, an appointment shall be made to
3 19 reestablish the term of office for a district associate judge
3 20 as provided in sections 602.6304 and 602.6305.

3 21 Sec. 3. NEW SECTION. 602.6307 APPOINTMENT OF DISTRICT
3 22 ASSOCIATE JUDGE IN LIEU OF FULL-TIME ASSOCIATE JUVENILE JUDGE.

3 23 1. The chief judge of a judicial district may designate by
3 24 order of substitution that a district associate judge be
3 25 appointed pursuant to this section in lieu of a full-time
3 26 associate juvenile judge appointed under section 602.7103B,
3 27 subject to the following limitations:

3 28 a. An existing full-time juvenile court judgeship has
3 29 become vacant or is anticipated to become vacant within one
3 30 hundred twenty days of an order of substitution.

3 31 b. The supreme court approves the substitution upon a
3 32 determination that the substitution will provide a more timely
3 33 and efficient performance of judicial business within that
3 34 judicial election district without diminishing the efficiency
3 35 and performance of the juvenile court.

4 1 2. If a district associate judge is substituted for a
4 2 full-time associate juvenile judge pursuant to this section,
4 3 the judicial district shall make every effort to grant the
4 4 juvenile court docket priority over other dockets including
4 5 granting the highest scheduling priority to juvenile court
4 6 proceedings involving child custody, termination of parental
4 7 rights, and child in need of assistance cases.

4 8 3. If the chief judge determines the substitution order is
4 9 no longer desirable, then the order shall be terminated.
4 10 However, a reversion pursuant to this subsection, irrespective
4 11 of cause, shall not take effect until the substitute district
4 12 associate judge fails to be retained in office at a judicial
4 13 election or otherwise leaves office, whether voluntarily or
4 14 involuntarily, and the office becomes vacant.

4 15 Sec. 4. Section 602.6401, subsection 1, Code Supplement
4 16 2005, is amended to read as follows:

4 17 1. Two hundred six magistrates shall be apportioned among
4 18 the counties as provided in this section. Magistrates
4 19 appointed pursuant to section 602.6303 or 602.6402 shall not
4 20 be counted for purposes of this section.

4 21 Sec. 5. Section 602.6403, subsection 1, Code 2005, is
4 22 amended to read as follows:

4 23 1. By June 1 of each year in which magistrates' terms
4 24 expire, the county magistrate appointing commission shall
4 25 appoint, except as otherwise provided in section 602.6302, the
4 26 number of magistrates apportioned to the county by the state
4 27 court administrator under section 602.6401, the number of
4 28 magistrates required pursuant to substitution orders in effect
4 29 under section 602.6303, and may appoint an additional
4 30 magistrate when allowed by section 602.6402. The commission
4 31 shall not appoint more magistrates than are authorized for the
4 32 county by this article.

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5 1 JEFFREY M. LAMBERTI
5 2 President of the Senate

5 6 CHRISTOPHER C. RANTS
5 7 Speaker of the House

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5 9 I hereby certify that this bill originated in the Senate and
5 10 is known as Senate File 2342, Eighty-first General Assembly.

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MICHAEL E. MARSHALL

5 15 Secretary of the Senate
5 16 Approved _____, 2006
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5 19 _____
5 20 THOMAS J. VILSACK
5 21 Governor